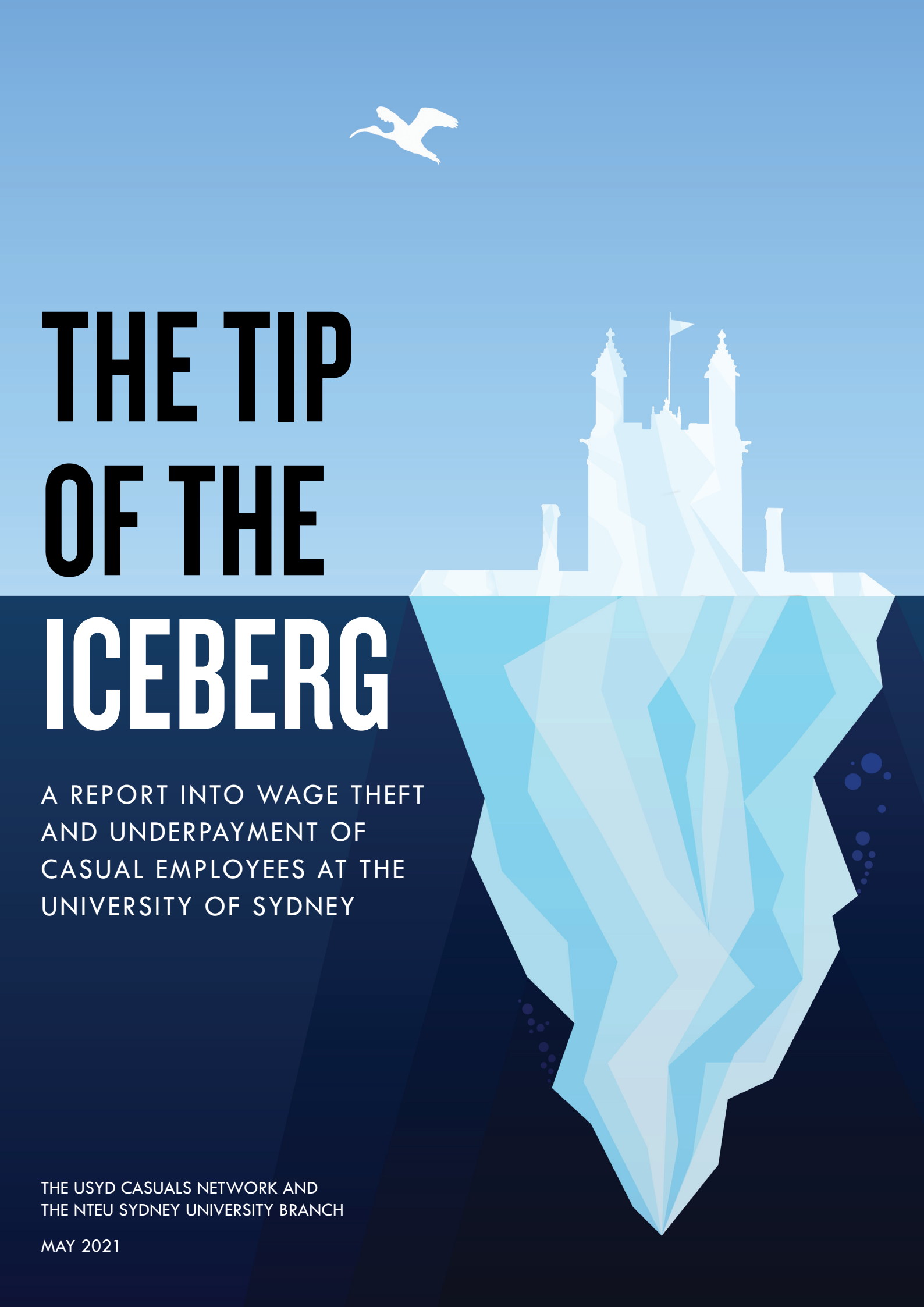


THE TIP OF THE ICEBERG

A REPORT INTO WAGE THEFT AND UNDERPAYMENT OF CASUAL EMPLOYEES AT THE UNIVERSITY OF SYDNEY

THE USYD CASUALS NETWORK AND
THE NTEU SYDNEY UNIVERSITY BRANCH

MAY 2021

ACKNOWLEDGEMENT OF COUNTRY

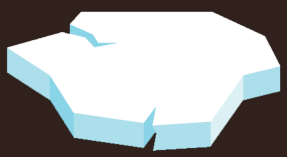
The University of Sydney occupies land belonging to the Gadigal People of the Eora Nation. The USyd Casuals Network acknowledges the ongoing struggle facing Aboriginal and Torres Strait Islander communities in the fight for self-determination. We pay our deepest respects to elders past, present, and emerging.

While this study focuses on the exploitation of casualised university workers, we recognise that universities are sites of privilege that historically have disproportionately excluded First Nations people. While many of these barriers are structurally embedded within our society, we note that throughout the duration of our wage theft audit, many of the crucial financial and support services that enable Indigenous students to access higher education were dismantled under the auspices of the University of Sydney management.

CONTACT DETAILS

This report was produced by the University of Sydney (USyd) Casuals Network, May 2021.
For media enquiries and further information please contact:
contact@usydcasuals.network

The USyd Casuals Network is a group of casual academics and general staff at the University of Sydney working together to improve conditions for casuals.



Follow the USYD Casuals Network on:
Website: **http://usydcasuals.network**
Twitter: @CasualsUsyd
Main Facebook Page: **https://www.facebook.com/usydcasualsnetwork**
Casual Humans of Higher Education Facebook Page:
https://www.facebook.com/casualhumans/

AUTHORS AND ACKNOWLEDGEMENTS

All co-authors are members of the University of Sydney Casuals Network and the National Tertiary Education Union.

Main co-authors: Georgia Carr, Yaegan Doran, Nicholas Avery, Robert Boncardo, Micaela Pattison, Natalia Maystorovich Chulio, and Joel Griggs
Editing: Toby Fitch
Report design: Izabella Nantsou
Imagery supplied by: Freepik

Report Citation:
Carr, G., Doran, Y., Avery, N., Boncardo, R., Pattison, M., Maystorovich Chulio, N., Griggs, J. (2021). *The Tip of the Iceberg: A report into wage theft and underpayment of casual employees at the University of Sydney*. New South Wales: University of Sydney Casuals Network.
https://usydcasuals.network/s/Tip-of-the-Iceberg.pdf

We would like to thank Dani Cotton for their work on this report, as well as an anonymous casual university worker for their assistance with our data management.

We would also like to thank the participants of this study for the time they spent filling in this audit — the irony of asking you to spend unpaid time logging unpaid work is not lost on us.

TABLE OF CONTENTS

EXECUTIVE SUMMARY

Casual workers are the most precariously employed workers in universities. Yet universities rely on casual workers to perform core duties. This is because they are a cheaper option than permanent staff due to their being hired on short, piecemeal contracts. The nature of these casual contracts, and the limitations of Enterprise Agreements, allow universities to significantly underpay casual workers for the work they do.

This report captures a snapshot of the wage theft that results from this underpayment at the University of Sydney. It reports on a detailed tracking of hours by 29 casuals across 44 contracts during Semester 2, 2020, and compares this with the hours that casuals are paid for under their contracts and under the Enterprise Agreement. It is the follow-up to an interim report, released in November 2020, which reported on the first 6 weeks of semester 2, 2020.

The audit found that **90% of participants performed unpaid work during Semester 2, 2020. The mean underpayment was $4,130 per person**, with one participant owed $19,065 in stolen wages. In terms of time, **participants performed 1,998 hours of unpaid work over the semester**.

On average, for every hour that a casual was paid for, they did another 28 minutes (0.46 hours) of unpaid work. This is equivalent to being paid from 9-to-5, but staying back until 9pm each day doing unpaid work.

For one participant, for every hour they were paid, they did another 1 hour 52 minutes (1.86 hours) unpaid. They were contracted to work approximately 1 full day a week, but actually worked 3 days per week. They did a total of 257 hours of unpaid work over the semester.

Underpayment was rife across all forms of casual teaching, including lecturing, tutoring, marking and administration. **On average, lecturers and tutors took double the amount of time to prepare a class as was paid**. Underpayment was most egregious for administration, a category for 'other required academic activity' which includes answering emails, student consultations, attending meetings, attending lectures (for tutors) and preparing subject guides and reading lists. Every participant who performed administration work reported being underpaid. In total, these participants were paid for only 183 hours of administration work but had to complete 865 hours of administration work, meaning they performed 682 hours of unpaid administration work over the semester. That is, **casual academics performed almost 5 times (4.7) the amount of work they were paid for for administration**.

Three participants in the audit did not report any underpayment. They were all professional research staff, who claim pay based on the hours they actually work. This differs from the model for teaching work, where staff are paid a fixed rate regardless of how many hours the work actually takes.

These results reflect systemic wage theft at the University of Sydney. Over the past three decades, the University of Sydney has increasingly relied on casual labour to do its core work. However as this report makes clear, this has only been possible because the University of Sydney does not pay its casual workers for all of the work they do.

Importantly, this report corroborates what has been found in other research. Publications in peer-reviewed journals, research from academic staff across numerous universities, and reports from trade union experts all reach the same conclusion: wage theft is rife at Australian universities. This report is therefore not standalone. It sits within a body of research which consistently finds that university staff are not paid for all the work they perform, with casuals the most exploited. The findings of this report should not be viewed as a self-contained problem for a small handful of staff, but as more evidence of the sector-wide and systemic exploitation of precarious university workers.

INTRODUCTION

Welcome to the University of Sydney Casuals Network's and the National Tertiary Education Union's report on wage theft and underpayment of casual staff.

The title of this report ***The Tip of the Iceberg*** captures a series of truths about precarious work at and beyond Australian universities.

First, as this report shows, the work casuals are paid for is the tip of the iceberg of the work actually performed. A significant proportion of work by casuals goes unpaid.

Second, the underpayment in this audit is likely the tip of the iceberg of underpayment across the University. This audit contains detailed tracking of hours by 29* participants, and the University of Sydney employs approximately 10,000 casual staff.

Third, as other research strongly suggests, the underpayment of casuals at the University of Sydney is the tip of the iceberg of underpayment of casuals at universities across Australia. Approximately seven in ten university workers are insecurely employed, and 10 of Australia's 39 public universities are now repaying money, undertaking audits, or in dispute with casual staff over stolen wages.

Fourth, the exploitation of casuals at universities is the tip of the iceberg of exploitation of casual workers in the Australian economy as a whole. Casualisation has been a constant feature of the labour market since the 1980s, characterised by forms of precarious employment like contract and gig work, and the erosion of job security. Far from being attractive, casual work is inequitable, demoralising, and often harmful. Casual work may be acceptable in the short term for some, but the benefits of 'flexibility' apply more to managers than to workers, who are able to let staff go at a moment's notice: 17,000 university workers lost their job in 2020, but this figure does not capture the thousands of casual and fixed-term staff who were simply 'not re-hired', even after years or sometimes decades of service. The COVID-19 pandemic has thrown into stark relief what has been known by casual workers for years: that we deserve the safeguards of a secure job and a stable living income.

Finally, this report is the tip of the iceberg in a slightly different sense as well. Such a tip is usually also seen as the sign of danger lurking below, which must be successfully navigated in order to ensure safe passage. But for whom are underpayment and wage theft a danger? And what risks sinking if this warning is not heeded? The casualisation and underpayment of university staff is a danger for students, whose quality of education declines when their teachers are unable to find secure employment and thus support themselves while supporting their students. It is also, very obviously, a danger for these staff, who suffer the ravages—both personal and professional—of precarious labour. But it is also, perhaps, a danger for the corporate university itself. Could the creation of a large body of precarious university workers, exploited and dissatisfied by its contemporary form, allied with students and permanent staff, fight successfully for systemic change? At the USyd Casuals Network and the NTEU, we hope that this report will give readers even more reasons than they might already have to contest the corporate university, and to help us build something better.

This report represents the culmination of almost a year's worth of study by casual workers of the conditions of their employment at the University of Sydney. Each author of and participant in the audit had to contend with the paradox of doing additional unpaid labour on top of the exploited labour they were already doing. Indeed, one of the many things that makes casualisation so harmful is that it is prohibitively difficult for precarious workers to find

the time and resources to understand and contest their situation. This handicap is of a piece with other ways that casualisation harms those who are subjected to it. For instance, when, in order to do their jobs properly, casuals perform additional hours of work to those they are paid for—as our report shows they are systematically forced to do—they inadvertently put pressure on all other casuals to similarly self-exploit, for fear of not being hired again. Casualisation thus turns academics' commitment to quality education into a weapon wielded against others in a similarly vulnerable situation. The system cruelly undermines the possibility of solidarity between those it exploits the most. However, the very existence of this report shows that solidarity between casuals is not, for all that, impossible, nor is casuals' ability to comprehend and contest their situation. We therefore also hope that readers will explore and expand with us this new possibility of casuals fighting for themselves alongside others to expose and bring to an end the exploitation that characterises their working lives.

Since our interim report *Stealing Time: An interim report into wage theft and underpayment of casual academics at the University of Sydney* was released in November last year, we have seen the issue of the underpayment of casual staff at universities come into the national spotlight. In this time, there have been two Senate Inquiries devoted to the issues of underpayment and job security. Both have seen casual university workers speak about their experiences of wage theft and of other forms of exploitation. As mentioned above, in addition to extensive media attention on the topic, 10 of Australia's universities are currently dealing with back pay claims made by precarious workers. It seems, then, that something of a moment has arrived in the exposure of the exploitative conditions casuals suffer under the corporate university. That said, university managements on the whole have remained unresponsive to what by all accounts is an epidemic of underpayment in the sector. To take one example, despite our interim report showing that the casuals who had participated in our audit were underpaid tens of thousands of dollars, we have received no official response from University management to the information and demands in our report. In truth, it is not in management's interests to respond, as the very business model of the corporate university depends on the exploitation of precarious staff. It will therefore be up to staff, students and their supporters to continue the struggle for justice for casual workers.

Readers might ask how we can make such sweeping claims about the sector-wide reliance on wage theft and underpayment on the basis of an audit with only 29 participants. The fact is that the data in this report—which is some of the most detailed ever collected on casuals' working practices in the contemporary university—accords with a substantial amount of other research in this area. At the University of Sydney, in 2019 the NTEU FASS Workloads Group (2019, 6-7) found that while the workload allocation for lecture preparation for permanent staff determined by management is 2 hours, 84% of staff took 4 or more hours to prepare for a 1-hour lecture, with 48% taking 8 or more hours. This accords with the current audit, where participants took a mean of 5.3 hours to prepare a 1-hour lecture. For tutorials, the same report (2019, 7-9) found that 62% of staff surveyed spent more than 3 hours to prepare for a 1-hour tutorial. This again accords with the current audit where tutors reported taking an average of 3.8 hours to prepare each first 1-hour tutorial.

Similarly, a 2020 report by the NTEU, *Unlawful Underpayment of Employees' Remuneration*, found that of the 2,932 casual academics who responded to the Union's survey, 64% were underpaid according to the workload formula they were contracted for. The NTEU concluded that, based on their results and a survey of the relevant literature, 'unlawful underpayments across the sector will have amounted to many tens of millions of dollars over recent years' (2020, 11). Our report shows that when casuals closely track each and every hour they work, the amount of underpayment is likely even higher than what casuals estimate they weren't paid for when responding to such surveys.

Furthermore, in the last year, two other casuals networks from Australian universities have produced reports with similar results to this audit. These include the Monash Casuals Network's report, *Hide the Pain Away* (2020), and the UNSW Casuals Network's report, *Under the Pump, Unpaid and Uncertain* (2020). Both showed that casuals did a significant amount of unpaid work, with 65% and 42% of respondents respectively reporting that they had suffered wage theft. Our own report, *Over-Worked and Worked Over* (2020), which was also published in the wake of changes to University operations during the pandemic, found that 82% of respondents reported doing unpaid

work in Semester 1, 2020 at the University of Sydney.

Each time, then, that staff and their union have closely studied the working practices of casual staff in the contemporary university, they have found that wage theft and underpayment is a daily reality for them. Thus, while the participants in our audit represent but a tiny fraction of the 10,000 casual staff, both academic and general, at the University of Sydney, there is every reason to believe that their experience is emblematic of other casuals in a similar situation. By University management's own calculations, the amount of academic work performed by casual staff has grown steadily for the past decade. Yet if the University were to provide all of its casuals with the resources necessary to track their hours, as this audit's participants have done, what would the results be? The very fact that the University has failed to initiate such an audit—despite it being one of the demands of our interim report, and despite all the warnings of the NTEU and other casuals networks—shows that in an institution presumably devoted to knowledge, on some matters University management prefers ignorance.

We hope, then, that readers of this report will consider not only our results, but also those of other researchers in this area—results which our report at once confirms and radicalises. Even more importantly, we hope that readers will engage with our report not just to gain a better understanding of the situation of casualised staff, but to strengthen their conviction that together we must abolish the conditions that make this situation of exploitation possible.

Welcome, then, to what we hope will be the beginning of the end of wage theft and underpayment of casual staff at the University of Sydney.

* Throughout this audit, participants regularly told us that this particular semester did not capture the most extreme exploitation they had experienced as casual staff. Indeed, many of them apologised that they hadn't been exploited more, feeling this would look 'better' for the audit.

We mention this here for two reasons: Firstly, to dispel any suggestion that this data is cherry-picked or only looks at the most extreme cases and can therefore be dismissed as a one-off clerical error rather than systematic underpayment of casual staff. We have represented all data from the audit faithfully, and have included instances where people were paid correctly as well as instances where people were underpaid almost $20,000. And secondly, to highlight how completely normalised the practice of exploitation is among casual staff; that 'only a little bit' of wage theft becomes acceptable in comparison to much more egregious cases.

We repeat here what we told our participants: any wage theft is too much wage theft; any exploitation is too much exploitation.

METHODOLOGY

Study design

The purpose of this audit is to accurately quantify the amount of underpayment, i.e. wage theft, experienced by a cohort of casual employees of the University of Sydney during Semester 2, 2020, and to investigate the ways in which wage theft varied in this sample across gender and job tasks. To do this, members of the USyd Casuals Network designed an audit spreadsheet in consultation with our local branch of the National Tertiary Education Union. Principally, the audit captured weekly data for each participant on:

1. The number of hours contracted to work, including face-to-face hours and preparation time for teaching staff;
2. The number of hours actually worked; and
3. A calculation of unpaid work undertaken in excess of that contracted, both in hours and dollars of underpayment.

Data was entered according to job title and pay code, as set out in the University of Sydney Enterprise Agreement 2018—2021 (FWC, 2018). The audit template could be used equally by teaching staff, research assistants, those performing clinical hours, and those performing musical accompaniment. It sought granular data on hours worked for each participant for individual contracts and under the relevant pay code (first lecture, repeat lecture, administration, etc.).

Recruitment

Participants were recruited through mailing lists, at union meetings and in person through an on-campus stall. After signing up to the audit, participants were given a copy of the audit spreadsheet to record their hours and save to cloud storage. Participants were able to access only their own cloud storage folder. Written instructions and a series of instructional videos were provided. Members of the USyd Casuals Network ran online drop-in sessions for participants to ask questions or seek help auditing their hours worked. Weekly emails were sent as a reminder for participants to regularly log hours.

Scope of the report

In October 2020 we presented an interim report on the findings from the paid and unpaid labour of 19 participants for the first six weeks of Semester 2, 2020 (Carr et al. 2020). Given its timing in the semester, the interim report focused on lecturing, tutorials, and administration. Herein we present the findings of our full report on wage theft from Semester 2. The following presents findings from the paid and unpaid labour of 29 participants over 18 weeks from August 17 to December 18 2020, and includes analysis of lecture and tutorial preparation, academic administrative work, marking, and professional staff research. Had Semester 2 been a traditional 13-week semester, and not a reduced 12-week semester due to management's austerity measures, the overall numbers of this report would likely have been larger.

FINDINGS

Participants

This report includes 29 participants from three faculties. Most participants are from the Faculty of Arts and Social Sciences, from which we include participants in three schools. Participants undertake different roles in the University, including lecturing, tutoring and professional research. Most participants have worked at this institution for more than 5 years (mean = 5, range = 0 to 9), and hold more than one contract (mean = 2, range = 1 to 4, total number of contracts = 44). See Table 1.

Table 1. Participant characteristics

Characteristics		n (%)
Sample		29
Work type*	Lecturing	10
	Tutoring	23
	Professional research staff	5
Faculty	Faculty of Arts and Social Sciences	23 (79)
	School of Literature, Art and Media (n = 10)	
	School of Social and Political Sciences (n = 8)	
	School of Philosophical and Historical Inquiry (n = 4)	
	Other (n = 1)	
	Faculty of Science	2 (7)
	Faculty of Medicine and Health	3 (10)
	Other	1 (3)
Gender	Female	17 (59)
	Male	10 (34)
	Non-binary	2 (7)
Australian citizenship	Yes	27 (93)
	No	2 (7)
Qualification	PhD	11 (38)
	No PhD	18 (62)
Current student	Yes	14 (48)
	No	15 (52)
Years worked at Sydney University	0-2 years	9 (31)
	3-4 years	4 (14)
	5-6 years	10 (34)
	7+ years	6 (21)
Number of current contracts	1	11 (38)
	2	7 (24)
	3+	11 (38)

*Including participants with multiple roles

Total underpayment

Figure 1 shows the total work performed by participants in Semester 2, 2020, including the total number of hours that each participant was remunerated for above the red line, and the total number of hours worked without pay below the red line. For teaching staff, paid work includes both face-to-face and preparation at the rate stipulated in the Enterprise Agreement.

Figure 1 clearly shows that the hours of remunerated work for casuals is just the tip of the iceberg of all work undertaken by casuals. A considerable proportion of work undertaken by casuals goes unpaid. If there were no underpayment, this graph would have no bars below the red line. Ninety percent of the sample, 26 participants, performed unpaid work during the audit—**a total of 1,998 hours of unpaid work or $119,774 of wages stolen during Semester 2, 2020**.

Stolen wages per person ranged from zero to $19,065, with a mean of $4,130. Due to variations in contract length and incomplete data, the number of weeks captured in the audit varied between 3 and 18 for each participant, with participants at the maximum including data for all 12 teaching weeks, the week preceding semester, mid-semester break, STUVAC, and the exam period. This variation explains the between-participant variation in total hours worked.

Immediately, we see that underpayment varies considerably between teaching and non-teaching staff—it shows that administration (light grey), marking (dark grey), tutoring (light blue) and lecturing (dark blue) are all key areas of wage theft, and it shows that people who experience high levels of wage theft in proportion to the number of hours they are paid to work (those to the right-hand side of the graph) all have large administrative loads.

Casuals' unpaid labour

Semester 2, 2020

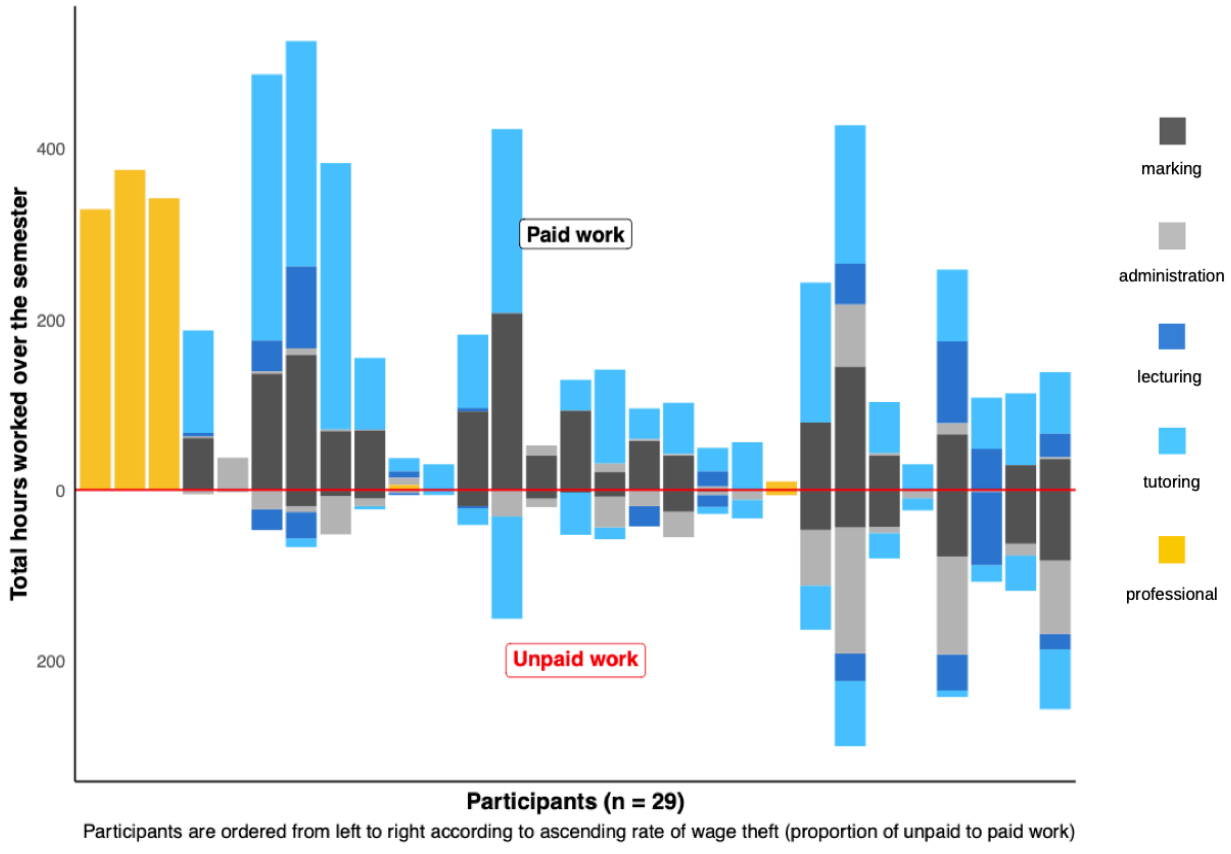


Figure 1. Casuals' unpaid labour for Semester 2, 2020

Rate of wage theft per person

In general, those with higher wage theft were those who were contracted to do more hours or who worked across multiple contracts. For example, the participant with the highest wage theft (a total of $19,065) audited 4 contracts. However, an employee with only one contract, or who is only contracted for a few hours, might have **proportionally** much higher wage theft. To show this, we compare how many hours an employee was **not paid** with every hour they were paid—the rate of wage theft per person.

The mean rate of wage theft for all participants (n = 29) is 0.46. That is, for every hour of paid work performed, participants performed 0.46 hours (28 minutes) of unpaid work. This is equivalent to a full-time worker paid for the hours between 9am and 5 pm doing 4 hours of unpaid overtime until 9pm each night. The rate of wage theft ranged for each participant between 0 and 1.86, and **the mean rate of wage theft for teaching staff alone (n = 26) is 0.51**.

The participant with the most wages stolen ($19,065) had a relatively high rate of wage theft (0.7). This participant performed a staggering 301 hours of unpaid work over the semester, or 17 hours per week. However, other participants had proportionally more wages stolen. The highest rate of wage theft was 1.86. For every hour of paid work this participant performed, they performed 1.86 hours (1 hour 52 minutes) of unpaid work. They were contracted to work approximately 1 full day a week, but actually worked 3 full days per week. This participant's absolute wage theft was also high; they performed a total of 257 hours of unpaid work over the semester.

Gender disparity

Our sample includes 17 women (59%), 10 men (34%) and 2 non-binary people (7%). On average, **women had 1.5 times the amount of wages stolen compared to men** (mean total wages stolen per person by gender, $4,736 vs. $3,244). Non-binary participants were underpaid $3,415 on average. The mean total wages stolen for the entire sample (n = 29) is $4,130.

The above differences may be attributable to the fact the women in this sample were contracted for longer hours, and indeed performed more unpaid hours of work, than their male and non-binary colleagues. However, the differences are also in part explained by disparities in the rate of wage theft per person between men, women and non-binary participants. On this measure, the women in this sample are also underpaid at a higher rate than the men. The mean rate of wage theft for women (n = 17) was 0.51, for men (n = 10) it was 0.39, and for non-binary participants (n=2) it was 0.46. That is, for every hour of paid work performed, women performed 31 minutes of unpaid work, compared to 23 minutes for men and 28 minutes for non-binary participants.

Administration

Administration work is shown in light grey in Figure 1. Administration is a broad category which covers 'other required academic activity', as defined by the Enterprise Agreement. This includes answering emails, student consultations, attending meetings, attending lectures (for tutors) and preparing subject guides and reading lists. One hundred percent of participants (22/22) who performed administration work reported being underpaid for administration. Total underpayment for administration was $38,970, with a mean of $1,771 per person over the semester. **In total, these participants were paid for only 183 hours of administration work but had to perform 865 hours of administration**, meaning that they completed 682 hours of unpaid administration work. That is, these **casual academics performed almost 5 times (4.7) the amount of work they were paid for for administration**. On average, for every hour of face-to-face teaching, casual academics performed 0.91 hours of administration work on top of teaching preparation, but were only paid for 0.16 hours. For example, a lecturer who taught 4 hours face-to-face each week did an average of 3.6 hours of administration work (e.g. responding to emails, attending meetings) on top of their teaching preparation, but were only paid for 38 minutes.

Administration for lecturers, co-ordinators, and convenors

A worrying proportion of underpayment reported here derives from data on the workload of participants employed to coordinate, lecture or co-convene undergraduate units.The audit suggests that teaching staff employed on sessional contracts to coordinate or co-convene units are grossly underpaid for the administrative work involved in unit coordination. It also raises concerns about how academic labour is taxonomised and suggests there is considerable variation and ambiguity in the ways that teaching duties which imply high levels of responsibility are categorised and remunerated across the University. The case studies included below speak to normalisation of practices of employing casual staff to perform higher-level academic work without adequate payment for tasks requiring specialist expertise and autonomous judgement.

Participants involved in unit coordination or the performance of other high responsibility roles reported extraordinarily high levels of underpayment for the exercise of administrative tasks. Invited to provide detail about the kinds of unpaid administrative duties performed, participants listed the following:

- Developing Units of Study (including the research required to update a unit and/or teach it for the first time)
- Training and/or self-guided learning to use online administrative and learning tools including SEAMS, Canvas, Zoom, Results Processing System, Timetables
- Learning how to use the online Human Resources system, MyHRonline, and completing obligatory training modules
- Training for online and hybrid learning
- Setting up the unit's online learning system, Canvas
- Developing and publishing the unit outline using Sydney Curriculum
- Developing the assessment schedule and writing instructions
- Managing a teaching team
- Preparing contracts for other casual tutors
- Designing tutorials for the teaching team
- Creating announcements to the cohort
- Responding to student emails
- Student consultations and pastoral care
- Reviewing student learning plans
- Processing applications for extension
- Investigating and processing suspected cases of plagiarism
- Communicating with superiors about student behaviour, academic honesty and COVID safety
- Board of Examiners meetings

In qualifying the audit data, several participants expressed uncertainty about whether certain tasks constituted administration or part of their weekly lecture preparation time. In particular, they were uncertain about how to categorise time spent reading and researching to develop the unit format, the assessment schedule and lecture themes, versus time spent communicating to students and tutors outside the lecture (including weekly updates, instructions, and meetings to discuss assessment and academic honesty). Several participants reported that their precise roles were 'ambiguous', 'ill-defined', organised under contracts that differed considerably to those under which they had performed the same teaching role in previous years, or were mis-represented to them when the work was first offered. This ambiguity left participants uncertain of whether they were expected to perform tasks not specifically laid out in their schedule but reasonably expected of those exercising coordination duties.

The audit suggests that unit coordinators at the University of Sydney are simply not paid fully to perform that role. As sessional lecturers, they are paid a piece rate for the 12 lectures calculated on an assumption that each lecture

hour requires 3 hours preparation. The specialised intellectual labour of developing a unit (syllabus, Canvas sites, assessments), coordinating its delivery to the student group, processing of results, and supporting student learning and providing pastoral care is problematically taxonomised in sessional work schedules as simple administration under a paycode in the Enterprise Agreement classified as 'other required academic activity' (A01/A02).

Case study 1: Ongoing casualisation, ongoing wage theft

This participant is a casual lecturer in the Faculty of Arts and Social Sciences who has held multiple casual and fixed-term teaching contracts at the University since 2011 but has not been offered permanent work. In Semester 2, 2020, they were contracted to coordinate and lecture an undergraduate unit of study. They were underpaid $15,729 over the semester after performing unpaid work on teaching preparation, administrative duties and marking.

A considerable proportion of this participant's unpaid administrative work occurred prior to commencement of Semester 2. They had multiple deadlines before Week 1 and spent time developing the syllabus, creating the lecture schedule, selecting readings, meeting with supervisors and support staff, building the Canvas site, and attending training and workshops for use in online learning technologies. They were allocated only 13 hours of administration for these tasks, and would receive no further payment for administrative tasks for the rest of the semester. **By the end of the audit, they had logged 115 hours of unpaid administration amounting to $7086 in unpaid wages**.

This participant was also underpaid for the preparation of weekly lectures. During teaching weeks, they did an average of 3.5 hours unpaid work, amounting to $253 in stolen wages, as part of designing and delivering core material.
This participant also experienced wage theft due to underpayment for marking. They note that despite extensive experience marking student work in their field, they could only give students meaningful feedback if they doubled the allocated time of one hour per 4,500 words.

While this participant did not report significant underpayment for tutorials, some underpayment occurred due to their having to adjust the format of tutorial discussion forums to accommodate the needs of online learners, and also to perform some additional design work and organise repeat tutorials that could accommodate both in-person and online formats.

Marking

Marking work is shown in dark grey in Figure 1. 15 of 19 participants (79%) who performed marking work reported being underpaid for marking. **Total underpayment for marking was $26,356, with a mean of $1,387 per person over the semester**. The rate of wage theft for marking was 0.54. That is, **for every hour of paid marking work performed, participants performed 0.54 hours of unpaid marking work**. The marking rate therefore underestimates the amount of time actually required by 35%.

In fact, the problem is more serious, still. In addition to the underpayment for the hours worked, many casual academics were also paid at an inappropriate lower marking rate. All participants were paid at the 'routine (standard) marking' rate (M04/M05), which is for marking of things like multiple choice assessments. This rate is paid at $52–$62/hour (see FWC, 2018, 76). However, most participants marked extended responses and essays written in academic language, which required significant academic judgement of a student's analytical skills, reasoning, and clarity of writing. This 'significant exercise of academic judgement' is the definition of a higher marking rate called the 'supervising examiner' rate (M03) paid at $72/hour (around $10-$20 dollars per hour higher, FWC, 76). The figure of $26,356

reported above assumes no misclassification of marking rates. However if we account for misclassification, **the total underpayment for marking is $49,168 with a mean of $2,588 per person**. By this metric, 17 of 19 (89%) participants who performed marking work were underpaid for marking. For example, one participant was underpaid $2,242 for their marking over the semester, calculated based on the 'routine marking' rate specified in their contract. However, if their contract had reflected the work that they *actually* performed, which involved 'academic judgment', their underpayment would be even higher at $3,971 for the semester.

Case Study 2: Unpaid work now, secure work later?

This participant is employed casually as a tutor in the Faculty of Arts and Social Sciences, where they have worked for the past five years. Despite having taught in and coordinated many of their Department's core units, they have not been given ongoing work. At the time of the audit, they had four casual contracts, one of which they audited: a large first-year unit of study taught in the form of weekly two-hour workshop-like seminars. Their case shows underpayment occurring in all three of the main areas of casual academics' work: class preparation, marking, and administration.

With regards to preparation, each week this participant had to spend more time than they were contracted for preparing both first-time and repeat tutorials, amassing a total of 52 hours of unpaid work for both kinds of classes across the semester, or $3,220 of unpaid wages. The extra time they took to prepare classes was a result of the extensive reading that the unit required, with three or four long texts set each week, and the need to attend weekly lectures unpaid.

This participant was also underpaid in an equally consistent manner for marking, which they performed on an almost weekly basis during semester. Each marking week, this participant spent at least 3 additional hours assessing their students' work, while during the exam period they spent an extra 14 hours marking. **Across the semester, they amassed $2896 of unpaid wages for marking alone**.

Finally, the case of this participant shows, like most others, that casual staff perform a significant amount of administrative labour, despite being remunerated for only a tiny fraction of this work. This participant carried out administrative tasks throughout the semester, including in the weeks before teaching began. **At the end of the semester, they had performed no fewer than 65 hours of unpaid administrative labour, totalling $4,005 in stolen wages**. These administrative tasks included corresponding with students over email—they had just under 90 students in their unit of study—and reading and responding to weekly discussion posts on Canvas. It is difficult to imagine students successfully engaging with the unit without this labour, yet none of it was paid. Other administrative labour included overtime spent on marking meetings and almost weekly 'drop-in sessions' that the unit coordinator ran but that this participant felt they had to attend so as to give themselves the best chances of future employment.

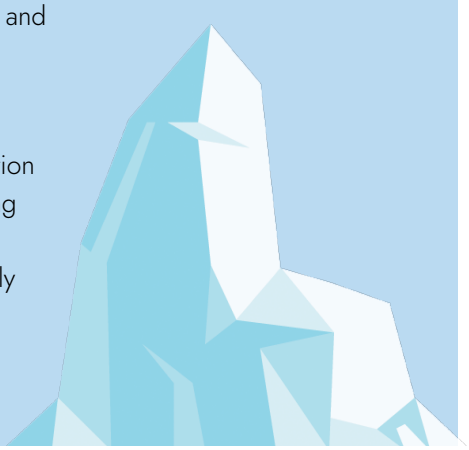
It is worth noting that in addition to wage theft, this participant was also exploited in another, less obvious manner, one that is experienced by many casual academics: they also have an extensive publishing output, but they are neither remunerated nor given support by the University to do this work. The University nevertheless reaps the benefits of these publications by its association with this participant, and also gains access through them to their many industry connections. This situation is in fact systemic in the contemporary university: casual academics must publish in order to be competitive for any ongoing positions that open up, yet the research they do is essentially done for free.

Lecturing

Lecturing work is shown in dark blue in Figure 1. 9 of 10 participants (90%) who performed lecturing work reported being underpaid for lecturing. **Total underpayment for lecturing was $18,281, with a mean of $1,828 per person over the semester**. In total, these participants performed 386 hours of paid lecturing work and 253 hours of unpaid lecturing work. On average, for every hour of face-to-face teaching, lecturers did 6.2 hours of work (1 hour face-to-face plus 5.2 hours of preparation). This is higher than the number of hours given under the EBA, of up to 2-3 hours of preparation for a first lecture.

Case study 3: Six years as a casual academic, six years of stolen wages

This participant is employed casually in the Faculty of Arts and Social Sciences. They have worked as a casual academic at the University for 5 years, but have not been offered permanent employment. In Semester 2, 2020 they held three jobs across different departments, and performed course coordination, lecturing and tutoring. **By the end of semester, they were underpaid $4,460**.



In this participant's case, wage theft mostly occurred because the time spent preparing, recording and uploading lectures far exceeded the allocated preparation time. They were employed as a lecturer and tasked with updating and coordinating an existing undergraduate Unit of Study. During the semester, **they worked an average 2.6 hours of unpaid work** on top of that which was paid to write weekly lectures from scratch, **amounting to an average $188 in stolen wages every week**.

Tutoring

Tutoring work is shown in light blue in Figure 1. 17 of 22 participants (77%) who performed tutoring work reported being underpaid for tutoring. **Total underpayment for tutoring was $34,186, with a mean of $1,554 per person over the semester**. In total, these participants performed 2,444 hours of paid tutoring work and 564 hours of unpaid tutoring work. On average for a first (non-repeat) tutorial, for every hour of face-to-face tutoring, tutors did 4.8 hours of work (1 hour face-to-face teaching plus 3.8 hours of preparation). This is higher than the number of hours given under the Enterprise Agreement, of up to 2 hours of preparation for a first tutorial.

Case Study 4: Teaching for the first time, teaching for the third time

This participant was employed as a tutor in three units of study in the Faculty of Arts and Social Sciences. Their case shows how wage theft can differ depending on the content and assessment structure of units of study, and on the tutor's level of experience.

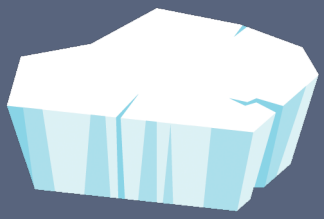
This participant had been a tutor twice before in the first unit of study they were contracted to teach. However, despite already possessing materials such as lecture notes, PowerPoint slides and tutorial plans, they still worked 40 hours more than they were paid for to prepare each first-time tutorial. This was because of the need to update materials, to re-familiarise themselves with the course content, and to adapt past tutorial plans to a new and online cohort. For their 36 repeat tutorials, by contrast, they needed only around half the contracted 72 hours to prepare and teach these other classes. However, this did not cancel out the hours of unpaid they did for their first tutorial: overall they worked more hours than they were paid.

Their second unit of study was one that they were teaching for the first time. They were given 36 hours to prepare and teach their 12 first-time tutorials. However, they needed more than four times this amount, taking 166 hours to perform this work. This was because of the scope and technical difficulty of the unit's content, as well as students' high expectations. **Overall, they were underpaid $6,727 for tutorial preparation and delivery for this unit**.

Finally, for their third unit of study, this participant worked for two hours more than they were contracted for preparing and teaching their 8 first-time tutorials.

Despite differences in the rate of wage theft for these units of study, a common feature of all three was that this participant was never paid appropriately to perform administrative tasks. In the course of the semester, **this participant did a total of 31 unpaid hours of administrative work, amounting to $1,612 in stolen wages**. As other case studies show, no matter how experienced a tutor is or how many times they have taught a subject, current payment schedules fail to capture the amount of administrative labour that casuals perform.

This case shows that even experienced tutors can be underpaid for preparation of tutorials, with those who teach units of study for the first time being at risk of significant underpayment. Finally, their case demonstrates once again that casuals perform significantly more administrative labour than they are paid for, making this one of the key sites where wage theft occurs.



Case Study 5: No matter the pay for teaching, still exploited for administration

The case of this participant is unique in that in terms of their work and pay schedule as a whole, they did not suffer any wage theft. But despite being paid appropriately overall, like almost all staff who took part in the audit, this participant was significantly underpaid for administration.

This participant was contracted to teach 24 first-time tutorials and 120 repeat tutorials throughout the semester, across two units of study. They worked 3 hours more than they were given in their contract preparing and delivering their first-time tutorials, but they were able to prepare their repeat tutorials within the time they were paid. This explains why, in contrast to the vast majority of other tutors who participated in the audit, they were not underpaid. However, paying casuals appropriately should not depend on them being lucky enough to have such a large number of repeat tutorials to teach, which is indeed a very rare occurrence.

Whatever their fortunes as regards tutorial preparation and delivery, this participant was underpaid a shocking 45 hours for administration, and 7 hours for marking. In their contract, this participant was given only 2 hours to perform all of their administrative tasks across the semester. This was despite the fact that they had to deal with a very large number of students via email, and also had to set up and manage online platforms such as Canvas and Zoom. They also spent many hours establishing and correcting their schedule of payment with their supervisor and HR.

However fortunate this participant might have been to have such a large number of repeat tutorials, their case shows that current rates of pay still fail to capture a key area of casuals' work: the vital administrative labour that goes into communicating with students and facilitating their education via online platforms, as well as administrative tasks such as setting up their contracts.

Professional research staff

Professional research work is shown in yellow in Figure 1. 1 of 5 participants (20%) who performed professional research work reported being underpaid for research work. This category does not see significant underpayment because the majority of research staff claim pay based on the hours they actually work. For example, if a researcher works a 5, 7 or 7.5 hour day, they will claim precisely those hours and so be paid accurately.

This differs from the pay model for teaching work, where staff are paid a fixed rate regardless of how many hours the work actually takes. This is known as a 'piece rate', where payment is tied to a 'piece' of work such as the number of lectures, the number of tutorials or the number of assessments marked. In the University's Enterprise Agreement, each piece of work is then assigned a notional hourly allotment to cover both the piece and any preparation time. However as this report shows, the hourly allotments are far from aligned with the actual hours it takes to complete these tasks. Indeed, how the allotted hours were determined is not clear, as there appears to be little basis in reality for these hours.

Professional research staff are a useful illustration of the alternative to piece rates. These participants were the only ones in the audit to be paid through timesheets where they entered the actual hours they worked, rather than through piece rates. As is obvious, these staff members are paid the requisite amount in comparison to the work they do. The exception to this was someone who performed work for a contract which had already ended and who was thus unable to claim pay for their work. As such, the Casuals Network recommends that piece rates be abolished in the tertiary education sector and be replaced with a system where casual staff are paid for all hours they actually work.

Case Study 6: Properly paid but still exploited

This participant is employed casually as a Research Officer in the Faculty of Medicine and Health. Their case is unique in that they were able to claim payment for each hour worked, meaning that they did not experience any wage theft. Prima facie, then, this participant's case demonstrates the simplest possible way to bring the scourge of underpayment to an end: by paying casuals for all hours worked.

In the 18 weeks of work they audited, this participant worked between 10 and 25 hours a week, averaging 19 hours a week. They noted down each hour they worked and what activity they performed, and recorded these hours daily in a timesheet before submitting this timesheet every two weeks, which was invariably accepted.

While the case of this participant shows how it is possible for the University to avoid underpaying its casual staff, other elements of their situation make it clear that even when casuals are paid appropriately, they still suffer systemic disadvantage. When this participant was first hired by the Faculty of Medicine and Health, they were employed as a Research Assistant. However, the work they performed during this early period went well beyond that expected of a Research Assistant, and was closer to that associated with the work of a Research Officer. They nevertheless experienced serious difficulties in applying for a promotion to a more suitable position. Furthermore, even when they finally became a Research Officer, they were still employed as a casual, despite asking for a fixed-term contract. This meant that they still lacked sick leave and other rights enjoyed by more securely employed staff.

In addition to these challenges, as a casual staff member this participant was excluded from School meetings and other decision-making fora. They also claim to have had their contributions misappropriated and misrepresented by their supervisors, who used their status as a casual Research Officer to undermine their credentials.

This participant's case shows two things: first, that it is possible to immediately eliminate wage theft by paying casuals for all hours worked; and second, that even when casuals are paid appropriately, the subordinate and dependent position they occupy in the workplace means they are vulnerable to other forms of unfair treatment. Eliminating wage theft can therefore only be one part of a broader strategy to address the crisis of casualisation.

DEMANDS

Given the similarities between our report and many others across the university sector, we can say confidently that, **yes**, the University has a problem with wage theft of casual staff and that these findings are likely to be just the tip of the iceberg. As casuals ourselves, as lecturers, tutors, administrative staff and researchers, as well as members of the USyd Casuals Network and the NTEU, we therefore make the following demands:

PAY BACK ALL UNPAID WAGES

01

The University of Sydney must immediately move to pay back all unpaid wages to all affected casualised staff, under the guidance of the NTEU and the USyd Casuals Network to determine the appropriate amount of compensation to be paid.

ADAPT CASUALS' SCHEDULES OF PAYMENT TO END WAGE THEFT UNDER THE EXISTING EA

02

The University of Sydney must immediately alter casuals' schedules of payment to ensure that for the remainder of the life of the existing EA, casualised staff are not underpaid. To do this, the University must consult with the NTEU and the USyd Casuals Network to determine how schedules of payment are to be altered (e.g. by increasing administration hours and increasing hours paid for marking, tutorial and lecture preparation).

CONDUCT A FULL-SCALE AUDIT OF ALL CASUALS' WORKING PRACTICES AT THE UNIVERSITY

03

The University of Sydney must immediately extend its existing audit, under the guidance of the NTEU and the USyd Casuals Network, to determine the true scope of underpayment at the University amongst casualised staff.

COMMIT TO ENDING WAGE THEFT IN THE NEXT EA

04

The University of Sydney must commit to enshrining appropriate rates of pay for casualised staff in the next EA so that wage theft is impossible.

COMMIT TO REDUCING CASUALISATION

05

The University of Sydney must immediately commit to reducing its current dependency on a casualised workforce by providing greater employment and income security to casual staff and facilitating the conversion of all eligible staff to permanent work.

As members of the USyd Casuals Network and the NTEU, we commit to building our collective capacity across the University to have our demands met, including through workplace meetings, political campaigning, and future industrial action.

REFERENCES

Carr, G., Doran, Y., Avery, N., Boncardo, R., Gillard, H., Griggs, J., Nicolls, L., Pattison, M. (2020) *Stealing Time: An interim report into wage theft and underpayment of casual academics at the University of Sydney*. University of Sydney Casuals Network [online]. Available at: https://usydcasuals.network/s/Stealing-Time_Wage-Theft-Report_2020.pdf (accessed 3 May 2021)

Fair Work Commission. (2018) *University of Sydney Enterprise Agreement 2018—2021* [online]. Available at: https://cpsunsw.org.au/wp-content/uploads/2018/04/USYD-EA-2018-Combined.pdf (accessed 3 May 2021).

FASS Workload Group. (2019a) *2019 FASS Staff Workload Survey: An evidence base for workload reform*. University of Sydney [online]. Available at: https://www.nteu.org.au/library/search/tags/workload (accessed 3 May 2021).

FASS Workload Group. (2019b) *The time it takes to do academic labour in 'a professional and competent manner': Evidence from the scholarly literature*. University of Sydney [online]. Available at: https://www.nteu.org.au/library/view/id/10106 (accessed 3 May 2021).

Monash Casuals Network. (2020) *Hide the Pain Away*. Monash University [online]. Available at: https://sites.google.com/view/monashcasuals/hidethepainaway (accessed 3 May 2021).

National Tertiary Education Union. (2019) *FASS Staff Workload Survey*. University of Sydney [online]. Available at: https://www.nteu.org.au/library/view/id/10105 (accessed 3 May 2021).

National Tertiary Education Union. (2020) *Unlawful Underpayment of Employees' Remuneration* [online]. Available at: https://www.nteu.org.au/library/view/id/10218 (accessed 25 October 2020).

UNSW Casuals Network. (2020) *Under the Pump, Unpaid and Uncertain: Casual workers at UNSW during COVID-19*. University of New South Wales [online]. Available at: https://drive.google.com/file/d/1aiXDTew-JF9f1-PRKtvnpBmSAw4qW2kMR/view (accessed 3 May 2021).

USyd Casuals Network. (2020) *Overworked and Worked-Over: Casual academics bear the costs of COVID-19*. University of Sydney [online]. Available at: https://usydcasuals.files.wordpress.com/2020/07/survey-report-2.pdf (accessed 3 May 2021).

What we must learn above all is consent.
Many say yes, and yet there is no consent.
Many are not asked, and many
Consent to the wrong things. Therefore:
What we must learn above all is consent.

Bertolt Brecht, *He Who Says Yes/*
He Who Says No